

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re: BIG LOTS, INC., et al., ¹ Debtors.	Chapter 11 No. 24-11967 (JKS) (Jointly Administered) Cure Objection Deadline: Nov. 6, 2024, 4:00 p.m. (Eastern Time) Related Docket Nos. 612 and 683
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**LIMITED OBJECTION AND RESERVATION OF RIGHTS OF WRP GATEWAY LLC
TO NOTICE OF PROPOSED ASSUMPTION OF AND ASSIGNMENT OF EXECUTORY
CONTRACTS OR UNEXPIRED LEASES AND CURE AMOUNTS**

WRP Gateway LLC (“WRP”) hereby files its limited objection and reservation of rights to the Notice of Proposed Assumption and Assignment of Executory Contracts or Unexpired Leases and Cure Amounts [Dkt. No. 683] (the “Cure Notice”) filed by the above-captioned debtors (the “Debtors”), and in support thereof states as follows:

BACKGROUND

A. WRP Lease

1. WRP and Big Lots Stores-PNS, LLC (“Big Lots”) entered into that certain lease dated April 9, 2020 (as subsequently amended, the “Lease”), pursuant to which WRP leased to Big Lots the real property located at 120 N. Fair Avenue, Yakima, Washington (the “Premises”).

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

2. Prior to the Petition Date, Big Lots defaulted on its pre-petition obligations under the Lease by, inter alia, failing to pay rent and other obligations as they came due.

B. Lease Amendment.

3. WRP and Big Lots have executed the Fourth Amendment to the Lease made effective as of October 1, 2024 (the “Amendment”).

4. Under the Amendment, WRP:

(i) waives, releases, and discharges Tenant all of its affiliated companies, the Debtors, and their bankruptcy estates, and their respective successors and assigns, from any and all claims, damages, obligations, liabilities, actions, and causes of action of every kind and nature whatsoever it may have for up to \$42,434.00 in cure payments or other amounts due and owing under the Lease

Amendment ¶ 3(d) (emphasis added).

C. Proposed Assumption or Assumption and Assignment of the Lease

5. On October 31, 2024, the Debtors filed their Cure Notice, which identifies the Lease as an unexpired lease that may be assumed and indicates that the “Preliminary Estimated Cure Amount” under the Lease is \$42,434 (the “Proposed Cure Amount”).

6. As the Amendment and negotiations with Debtor make clear, the amount that WRP agrees to waive under the Amendment is *up to* the Proposed Cure Amount, but WRP will still be owed \$28,385. Specifically, in addition to the Proposed Cure Amount (which will be waived under the Amendment), Big Lots owes the additional \$28,385 in costs identified in Exhibit A, including CAM reconciliations and property insurance.

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7. WRP files this limited objection to reserve its rights under the Amendment and to confirm that Lease cure amount is \$70,819 (*i.e.* the Proposed Cure Amount plus \$28,385).

Dated: November 6, 2024

HILLIS CLARK MARTIN & PETERSON, P.S.

By: /s/ Brian C. Free

Brian C. Free, WSBA #35788

Pro Hac Vice pending

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Exhibit A

Big Lots - Store #4558

Item Description	Total Amount Due
2023 CAM Estimates Difference (\$5,718.04 (New) - (\$5,445.75 (Big Lots Paid Per mo) - \$272.29 @ 12 months (Sent on 7/30/23)	\$ 3,267.48
2024 CAM Estimates Difference (\$6,003.54 (New) - (\$5,445.75 (Big Lots Paid Per mo) - \$557.79 @ 12 months (Sent on 7/2/24)	\$ 6,693.48
2023 CAM Reconciliation (Sent on 6/7/24)	\$ 3,267.47
2023 Big Lots Share of Property Insurance	\$ 7,188.13
2024 Big Lots Share of Property Insurance	\$ 7,968.80
Grand Total Owed Above \$42,424	\$ 28,385.36